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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DEC 18 2019

SEAN F. McAVOY, CLERK
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SPOKANE, WASHINGTON

9 UNITED STATES DISTRICT COURT
10 FOR THE EASTERN DISTRICT OF WASHINGTON

11 UNITED STATES OF AMERICA,

12 Plaintiff,

13 v.

14 PHILIP MARION HARTHILL,

15 Defendant.

2:19-CR-217-RMP

INDICTMENT

Vio: 18 U.S.C. § 2252A(a)(1), (b)(1)
Transportation of Child
Pornography (Counts 1, 2)

18 U.S.C. § 2252A(a)(2)(A), (b)(1)
Receipt of Child Pornography
(Count 3)

18 U.S.C. § 2252A(a)(5)(B), (b)(2)
Possession of Child Pornography
(Count 4)

18 U.S.C. § 2251(a), (e)
Production and Attempted
Production of Child Pornography
(Count 5)

18 U.S.C. § 2253
Forfeiture Allegations

26 The Grand Jury charges:

27 COUNT 1

28 On or about January 12, 2019, in the Eastern District of Washington, the

INDICTMENT - 1

1 Defendant, PHILIP MARION HARTHILL, did knowingly transport child
2 pornography, as defined in 18 U.S.C. § 2256(8)(A), using any means and facility of
3 interstate and foreign commerce, and in and affecting interstate and foreign commerce
4 by any means, including by computer, to wit: an image depicting a minor and
5 prepubescent child engaging in sexually explicit conduct, including but not limited to
6 the lascivious exhibition of the genitals and pubic area, in violation of 18 U.S.C. §
7 2252A(a)(1), (b)(1).

8 COUNT 2

9 On or about June 11, 2019, in the Eastern District of Washington, the
10 Defendant, PHILIP MARION HARTHILL, did knowingly transport child
11 pornography, as defined in 18 U.S.C. § 2256(8)(A), using any means and facility of
12 interstate and foreign commerce, and in and affecting interstate and foreign commerce
13 by any means, including by computer, to wit: images depicting minor and
14 prepubescent children engaging in sexually explicit conduct, including but not limited
15 to the lascivious exhibition of the genitals and pubic area, in violation of 18 U.S.C. §
16 2252A(a)(1), (b)(1).

17 COUNT 3

18 Between on or about October 4, 2015, and on or about August 29, 2019, in the
19 Eastern District of Washington, the Defendant, PHILIP MARION HARTHILL, did
20 knowingly receive child pornography, as defined in 18 U.S.C. § 2256(8)(A), that had
21 been mailed, shipped and transported in interstate commerce by any means, including
22 by computer, to wit: images depicting minor and prepubescent children engaging in
23 sexually explicit conduct, including but not limited to the lascivious exhibition of the
24 genitals and pubic area, in violation of 18 U.S.C. § 2252A(a)(2)(A), (b)(1).

25 COUNT 4

26 On or about August 29, 2019, in the Eastern District of Washington, the
27 Defendant, PHILIP MARION HARTHILL, did knowingly possess material other than
28

1 that alleged in Count 3 which contained one or more visual depictions of child
2 pornography, as defined in 18 U.S.C. § 2256(8)(A), including images of prepubescent
3 minors and minors who had not attained twelve years of age, the production of which
4 involved the use of a minor engaging in sexually explicit conduct, and which visual
5 depictions were of such conduct, that had been mailed, shipped and transported in
6 interstate and foreign commerce, and which were produced using materials that had
7 been mailed, shipped and transported in interstate or foreign commerce, by any means
8 including computer, all in violation of 18 U.S.C. § 2252A(a)(5)(B), (b)(2).

9 COUNT 5

10 Between on or about July 9, 2019, and on or about August 16, 2019, in the
11 Eastern District of Washington, the Defendant, PHILIP MARION HARTHILL, did
12 knowingly use, persuade, induce, coerce, and entice and attempt to use, persuade,
13 induce, coerce, and entice a minor child to engage in sexually explicit conduct, for the
14 purpose of producing any visual depiction of such conduct, knowing and having
15 reason to know such visual depiction would be produced using materials that had been
16 mailed, shipped, and transported in and affecting interstate and foreign commerce by
17 any means, including by computer, and such visual depiction would be transported
18 and transmitted, using any means and facility of interstate and foreign commerce, in
19 violation of 18 U.S.C. § 2251(a), (e).

20 NOTICE OF FORFEITURE ALLEGATIONS

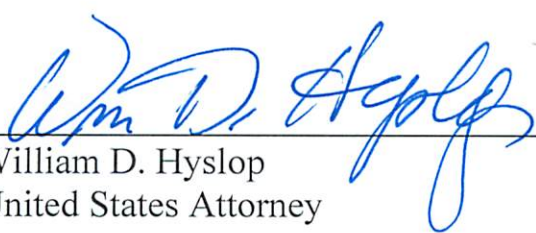
21 The allegations contained in this Indictment are hereby realleged and
22 incorporated by reference for the purpose of alleging forfeitures.

23 Pursuant to 18 U.S.C. § 2253, upon conviction of an offense(s) in violation of
24 18 U.S.C. § 2252A(a)(1) (b)(1), 18 U.S.C. § 2252A(a)(2)(A), (b)(1), 18 U.S.C.
25 § 2252A(a)(5)(B), (b)(2), and/or 18 U.S.C. § 2251(a), (e), as alleged in this
26 Indictment, the Defendant, PHILIP MARION HARTHILL, shall forfeit to the United
27 States of America any visual depiction described in section 2252A of that chapter, or

any book, magazine, periodical, film, videotape, or other matter which contains any such visual depiction, which was produced, transported, mailed, shipped or received in violation of this chapter; any property, real or personal, constituting or traceable to gross profits or other proceeds obtained from such offenses; and, any property, real or personal, used or intended to be used to commit or to promote the commission of such offenses, or any property traceable to such property. The property to be forfeited includes, but is not limited to:

- a. HP laptop computer, Model: 15, serial no. 5CD44977CZ;
- b. Samsung hard drive, Model: ST1000LM024, serial no. S2WZJ90CB30613;
- c. Infinitive 16GB thumb drive, serial no. BL180326650B;
- d. LG cellular phone, Model L83BL, serial no. 709CYUK088046;
- e. LG cellular phone, Model LG505C, serial no. 206CYCV0169739;
- and
- f. ZTE cellular, Model Z6655C, serial no. 327B4097504B

Dated: December 17, 2019.


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